

Chapter 19

Regulation of Internet Protocol Services

54-19-101 Title.

This chapter is known as "Regulation of Internet Protocol Services."

Enacted by Chapter 241, 2012 General Session

54-19-102 Definitions.

As used in this section:

- (1) "Internet protocol-enabled service" means any service, functionality, or application that uses Internet protocol or a successor protocol that enables an end-user to send or receive voice, data, or video communications.
- (2) "Voice over Internet protocol service" means any service that:
 - (a) enables real time, two-way voice communication originating from or terminating at the user's location in Internet protocol or a successor protocol;
 - (b) uses a broadband connection from the user's location; and
 - (c) permits a user to receive a telephone call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

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54-19-103 Authority over Internet protocol-enabled services and voice over Internet protocol services.

- (1) A state agency and political subdivision of the state may not, directly or indirectly, regulate Internet protocol-enabled service or voice over Internet protocol service.
- (2) The regulatory prohibition in Subsection (1) does not:
 - (a) affect or limit the enforcement of criminal or civil laws, including consumer protection and unfair or deceptive trade practice laws, that apply to the conduct of business;
 - (b) affect, limit, or prohibit the current or future assessment of:
 - (i) a tax;
 - (ii) a 911 fee;
 - (iii) a universal service fund fee;
 - (iv) a telecommunication relay fee; or
 - (v) a public utility regulatory fee;
 - (c) affect or modify:
 - (i) a right or obligation of any telecommunications carrier under 47 U.S.C. Sec. 251 and 47 U.S.C. Sec. 252;
 - (ii) any commission obligation to implement or enforce federal law;
 - (iii) a duty or power of the commission, under 47 U.S.C. Sec. 251 and 47 U.S.C. Sec. 252, including arbitration and enforcement of an interconnection agreement;
 - (iv) any obligation for the provision of video service by any person; or
 - (v) the application of Section 54-8b-2.1; or
 - (d) affect the authority of the state or a political subdivision of the state to manage the use of a public right of way, including any requirement for the joint use of utility poles or other structures in the right of way.

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